

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

DAVID L. HUGGARD

Petitioner

vs.

Action No. 1:13CR5

UNITED STATES OF AMERICA

Respondent

NOTICE

This case is before the Court pursuant to respondent's Motion to Dismiss filed June 8, 2022. The Court will give petitioner twenty-one (21) days from the date of this Notice to submit any further counter-affidavits or other relevant evidence contradicting, explaining, or avoiding respondent's evidence. Both sides are advised that if documents or affidavits outside the pleadings are submitted by either party, any motion(s) to dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure may be considered as motion(s) for summary judgment under Rule 56 of the Federal Rules of Civil Procedure. If petitioner believes that he has already provided sufficient support for his claims, he need not submit any additional response to respondent's motion unless he chooses to do so.

Issued and mailed this 10th day of June, 2022.

JULIA C. DUDLEY, CLERK

By: s/E. Surber
Deputy Clerk